

In the Senate of the United States,

September 22, 2011.

Resolved, That the bill from the House of Representatives (H.R. 2832) entitled “An Act to extend the Generalized System of Preferences, and for other purposes.”, do pass with the following

AMENDMENT:

At the end, add the following:

1 ***TITLE II—TRADE ADJUSTMENT***
2 ***ASSISTANCE***

3 ***SEC. 200. SHORT TITLE; TABLE OF CONTENTS.***

4 (a) *SHORT TITLE*.—*This title may be cited as the*
5 *“Trade Adjustment Assistance Extension Act of 2011”.*

6 (b) *TABLE OF CONTENTS*.—*The table of contents for*
7 *this title is as follows:*

TITLE II—TRADE ADJUSTMENT ASSISTANCE

Sec. 200. Short title; table of contents.

*Subtitle A—Extension of Trade Adjustment Assistance**PART I—APPLICATION OF PROVISIONS RELATING TO TRADE ADJUSTMENT ASSISTANCE**Sec. 201. Application of provisions relating to trade adjustment assistance.**PART II—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS**Sec. 211. Group eligibility requirements.**Sec. 212. Reductions in waivers from training.**Sec. 213. Limitations on trade readjustment allowances.**Sec. 214. Funding of training, employment and case management services, and job search and relocation allowances.**Sec. 215. Reemployment trade adjustment assistance.**Sec. 216. Program accountability.**Sec. 217. Extension.**PART III—OTHER ADJUSTMENT ASSISTANCE**Sec. 221. Trade adjustment assistance for firms.**Sec. 222. Trade adjustment assistance for communities.**Sec. 223. Trade adjustment assistance for farmers.**PART IV—GENERAL PROVISIONS**Sec. 231. Applicability of trade adjustment assistance provisions.**Sec. 232. Termination provisions.**Sec. 233. Sunset provisions.**Subtitle B—Health Coverage Improvement**Sec. 241. Health care tax credit.**Sec. 242. TAA pre-certification period rule for purposes of determining whether there is a 63-day lapse in creditable coverage.**Sec. 243. Extension of COBRA benefits for certain TAA-eligible individuals and PBGC recipients.**Subtitle C—Offsets**PART I—UNEMPLOYMENT COMPENSATION PROGRAM INTEGRITY**Sec. 251. Mandatory penalty assessment on fraud claims.**Sec. 252. Prohibition on noncharging due to employer fault.**Sec. 253. Reporting of rehired employees to the directory of new hires.**PART II—ADDITIONAL OFFSETS**Sec. 261. Improvements to contracts with Medicare quality improvement organizations (QIOs) in order to improve the quality of care furnished to Medicare beneficiaries.**Sec. 262. Rates for merchandise processing fees.**Sec. 263. Time for remitting certain merchandise processing fees.*

***Subtitle A—Extension of Trade
Adjustment Assistance***

***PART I—APPLICATION OF PROVISIONS RELATING
TO TRADE ADJUSTMENT ASSISTANCE***

***SEC. 201. APPLICATION OF PROVISIONS RELATING TO
TRADE ADJUSTMENT ASSISTANCE.***

*(a) REPEAL OF SNAPBACK.—Section 1893 of the Trade
and Globalization Adjustment Assistance Act of 2009 (Pub-
lic Law 111–5; 123 Stat. 422) is repealed.*

*(b) APPLICABILITY OF CERTAIN PROVISIONS.—Except
as otherwise provided in this subtitle, the provisions of
chapters 2 through 6 of title II of the Trade Act of 1974,
as in effect on February 12, 2011, and as amended by this
subtitle, shall—*

*(1) take effect on the date of the enactment of
this Act; and*

*(2) apply to petitions for certification filed
under chapters 2, 3, or 6 of title II of the Trade Act
of 1974 on or after such date of enactment.*

*(c) REFERENCES.—Except as otherwise provided in
this subtitle, whenever in this subtitle an amendment or re-
peal is expressed in terms of an amendment to, or repeal
of, a provision of chapters 2 through 6 of title II of the
Trade Act of 1974, the reference shall be considered to be*

1 *made to a provision of any such chapter, as in effect on*
 2 *February 12, 2011.*

3 ***PART II—TRADE ADJUSTMENT ASSISTANCE FOR***
 4 ***WORKERS***

5 ***SEC. 211. GROUP ELIGIBILITY REQUIREMENTS.***

6 *(a) IN GENERAL.—Section 222 of the Trade Act of*
 7 *1974 (19 U.S.C. 2272) is amended—*

8 *(1) by striking subsection (b);*

9 *(2) by redesignating subsections (c) through (f)*
 10 *as subsections (b) through (e), respectively;*

11 *(3) in paragraph (2) of subsection (b), as redes-*
 12 *ignated, by striking “(d)” and inserting “(c)”;*

13 *(4) in subsection (c), as redesignated, by striking*
 14 *paragraph (5); and*

15 *(5) in paragraph (2) of subsection (d), as redes-*
 16 *ignated, by striking “, (b), or (c)” and inserting “or*
 17 *(b)”.*

18 *(b) CONFORMING AMENDMENTS.—Section 247 of the*
 19 *Trade Act of 1974 (19 U.S.C. 2319) is amended—*

20 *(1) in paragraph (3)—*

21 *(A) in the matter preceding subparagraph*
 22 *(A), by striking “Subject to section 222(d)(5), the*
 23 *term” and inserting “The term”; and*

1 (B) in subparagraph (A), by striking “,
 2 service sector firm, or public agency” and insert-
 3 ing “or service sector firm”;
 4 (2) by striking paragraph (7); and
 5 (3) by redesignating paragraphs (8) through (19)
 6 as paragraphs (7) through (18), respectively.

7 **SEC. 212. REDUCTIONS IN WAIVERS FROM TRAINING.**

8 (a) *IN GENERAL.*—Section 231(c) of the Trade Act of
 9 1974 (19 U.S.C. 2291(c)) is amended—

10 (1) in paragraph (1)—
 11 (A) by striking subparagraphs (A), (B), and
 12 (C); and
 13 (B) by redesignating subparagraphs (D),
 14 (E), and (F) as subparagraphs (A), (B), and
 15 (C), respectively; and
 16 (2) in paragraph (3)(B), by striking “(D), (E),
 17 or (F)” and inserting “or (C)”.

18 (b) *GOOD CAUSE EXCEPTION.*—Section 234(b) of the
 19 Trade Act of 1974 (19 U.S.C. 2294(b)) is amended to read
 20 as follows:

21 “(b) *SPECIAL RULE ON GOOD CAUSE FOR WAIVER OF*
 22 *TIME LIMITS OR LATE FILING OF CLAIMS.*—The Secretary
 23 shall establish procedures and criteria that allow for a
 24 waiver for good cause of the time limitations with respect

1 *to an application for a trade readjustment allowance or en-*
 2 *rollment in training under this chapter.”.*

3 **SEC. 213. LIMITATIONS ON TRADE READJUSTMENT ALLOW-**
 4 **ANCES.**

5 *Section 233 of the Trade Act of 1974 (19 U.S.C. 2293)*
 6 *is amended—*

7 *(1) in subsection (a)—*

8 *(A) in paragraph (2), in the matter pre-*
 9 *ceding subparagraph (A), by striking “(or” and*
 10 *all that follows through “period)”;* and

11 *(B) in paragraph (3)—*

12 *(i) in the matter preceding subpara-*
 13 *graph (A), by striking “78” and inserting*
 14 *“65”;* and

15 *(ii) by striking “91-week period” each*
 16 *place it appears and inserting “78-week pe-*
 17 *riod”;* and

18 *(2) by amending subsection (f) to read as follows:*

19 *“(f) PAYMENT OF TRADE READJUSTMENT ALLOW-*
 20 *ANCES TO COMPLETE TRAINING.—Notwithstanding any*
 21 *other provision of this section, in order to assist an ad-*
 22 *versely affected worker to complete training approved for*
 23 *the worker under section 236 that leads to the completion*
 24 *of a degree or industry-recognized credential, payments*
 25 *may be made as trade readjustment allowances for not more*

1 *than 13 weeks within such period of eligibility as the Sec-*
 2 *retary may prescribe to account for a break in training*
 3 *or for justifiable cause that follows the last week for which*
 4 *the worker is otherwise entitled to a trade readjustment al-*
 5 *lowance under this chapter if—*

6 “(1) *payment of the trade readjustment allow-*
 7 *ance for not more than 13 weeks is necessary for the*
 8 *worker to complete the training;*

9 “(2) *the worker participates in training in each*
 10 *such week; and*

11 “(3) *the worker—*

12 “(A) *has substantially met the performance*
 13 *benchmarks established as part of the training*
 14 *approved for the worker;*

15 “(B) *is expected to continue to make*
 16 *progress toward the completion of the training;*
 17 *and*

18 “(C) *will complete the training during that*
 19 *period of eligibility.”.*

20 **SEC. 214. FUNDING OF TRAINING, EMPLOYMENT AND CASE**
 21 **MANAGEMENT SERVICES, AND JOB SEARCH**
 22 **AND RELOCATION ALLOWANCES.**

23 (a) *IN GENERAL.—Section 236(a)(2) of the Trade Act*
 24 *of 1974 (19 U.S.C. 2296(a)(2)) is amended—*

1 (1) by inserting “and sections 235, 237, and
2 238” after “to carry out this section” each place it
3 appears;

4 (2) in subparagraph (A)—

5 (A) in the matter preceding clause (i), by
6 striking “of payments that may be made under
7 paragraph (1)” and inserting “of funds available
8 to carry out this section and sections 235, 237,
9 and 238”; and

10 (B) by striking clauses (i) and (ii) and in-
11 serting the following:

12 “(i) \$575,000,000 for each of fiscal years
13 2012 and 2013; and

14 “(ii) \$143,750,000 for the 3-month period
15 beginning on October 1, 2013, and ending on
16 December 31, 2013.”;

17 (3) in subparagraph (C)(ii)(V), by striking “re-
18 lating to the provision of training under this section”
19 and inserting “to carry out this section and sections
20 235, 237, and 238”; and

21 (4) in subparagraph (E), by striking “to pay the
22 costs of training approved under this section” and in-
23 serting “to carry out this section and sections 235,
24 237, and 238”.

1 (b) *LIMITATIONS ON ADMINISTRATIVE EXPENSES AND*
 2 *EMPLOYMENT AND CASE MANAGEMENT SERVICES.*—

3 (1) *IN GENERAL.*—Section 235A of the Trade Act
 4 of 1974 (19 U.S.C. 2295a) is amended—

5 (A) in the section heading, by striking
 6 **“FUNDING FOR”** and inserting **“LIMITA-**
 7 **TIONS ON”**; and

8 (B) by striking subsections (a) and (b) and
 9 inserting the following:

10 *“Of the funds made available to a State to carry out*
 11 *sections 235 through 238 for a fiscal year, the State shall*
 12 *use—*

13 *“(1) not more than 10 percent for the adminis-*
 14 *tration of the trade adjustment assistance for workers*
 15 *program under this chapter, including for—*

16 *“(A) processing waivers of training require-*
 17 *ments under section 231;*

18 *“(B) collecting, validating, and reporting*
 19 *data required under this chapter; and*

20 *“(C) providing reemployment trade adjust-*
 21 *ment assistance under section 246; and*

22 *“(2) not less than 5 percent for employment and*
 23 *case management services under section 235.”.*

24 (2) *CLERICAL AMENDMENT.*—The table of con-
 25 tents for the Trade Act of 1974 is amended by strik-

1 *ing the item relating to section 235A and inserting*
 2 *the following:*

“Sec. 235A. Limitations on administrative expenses and employment and case management services.”.

3 *(c) REALLOTMENT OF FUNDS.—Section 245 of the*
 4 *Trade Act of 1974 (19 U.S.C. 2317) is amended by adding*
 5 *at the end the following:*

6 *“(c) REALLOTMENT OF FUNDS.—*

7 *“(1) IN GENERAL.—The Secretary may—*

8 *“(A) reallocate funds that were allotted to any*
 9 *State to carry out sections 235 through 238 and*
 10 *that remain unobligated by the State during the*
 11 *second or third fiscal year after the fiscal year*
 12 *in which the funds were provided to the State;*
 13 *and*

14 *“(B) provide such reallocated funds to States*
 15 *to carry out sections 235 through 238 in accord-*
 16 *ance with procedures established by the Sec-*
 17 *retary.*

18 *“(2) REQUESTS BY STATES.—In establishing*
 19 *procedures under paragraph (1)(B), the Secretary*
 20 *shall include procedures that provide for the distribu-*
 21 *tion of reallocated funds under that paragraph pursu-*
 22 *ant to requests submitted by States in need of such*
 23 *funds.*

1 “(3) *AVAILABILITY OF AMOUNTS.*—*The reallo-*
 2 *ment of funds under paragraph (1) shall not extend*
 3 *the period for which such funds are available for ex-*
 4 *penditure.*”.

5 (d) *JOB SEARCH ALLOWANCES.*—*Section 237 of the*
 6 *Trade Act of 1974 (19 U.S.C. 2297) is amended—*

7 (1) *in subsection (a)(1)—*

8 (A) *by striking “An adversely affected work-*
 9 *er” and inserting “Each State may use funds*
 10 *made available to the State to carry out sections*
 11 *235 through 238 to allow an adversely affected*
 12 *worker”; and*

13 (B) *by striking “may” and inserting “to”;*

14 (2) *in subsection (b)—*

15 (A) *in paragraph (1)—*

16 (i) *by striking “An” and inserting*
 17 *“Any”; and*

18 (ii) *by striking “all necessary job*
 19 *search expenses” and inserting “not more*
 20 *than 90 percent of the necessary job search*
 21 *expenses of the worker”; and*

22 (B) *in paragraph (2), by striking “\$1,500”*
 23 *and inserting “\$1,250”; and*

24 (3) *in subsection (c), by striking “the Secretary*
 25 *shall” and inserting “a State may”.*

1 (e) *RELOCATION ALLOWANCES*.—Section 238 of the
2 *Trade Act of 1974* (19 U.S.C. 2298) is amended—

3 (1) in subsection (a)(1)—

4 (A) by striking “Any adversely affected
5 worker” and inserting “Each State may use
6 funds made available to the State to carry out
7 sections 235 through 238 to allow an adversely
8 affected worker”; and

9 (B) by striking “may file” and inserting
10 “to file”; and

11 (2) in subsection (b)—

12 (A) in the matter preceding paragraph
13 (1)—

14 (i) by striking “The” and inserting
15 “Any”; and

16 (ii) by striking “includes” and insert-
17 ing “shall include”;

18 (B) in paragraph (1), by striking “all” and
19 inserting “not more than 90 percent of the”; and

20 (C) in paragraph (2), by striking “\$1,500”
21 and inserting “\$1,250”.

22 (f) *CONFORMING AMENDMENTS*.—Section 236 of the
23 *Trade Act of 1974* (19 U.S.C. 2296) is amended—

1 (1) *in subsection (b), in the first sentence, by*
 2 *striking “appropriate” and inserting “appropriate”;*
 3 *and*

4 (2) *by striking subsection (g) and redesignating*
 5 *subsection (h) as subsection (g).*

6 **SEC. 215. REEMPLOYMENT TRADE ADJUSTMENT ASSIST-**
 7 **ANCE.**

8 (a) *IN GENERAL.*—Section 246(a) of the Trade Act of
 9 1974 (19 U.S.C. 2318(a)) is amended—

10 (1) *in paragraph (3)(B)(ii), by striking*
 11 *“\$55,000” and inserting “\$50,000”; and*

12 (2) *in paragraph (5)—*

13 (A) *in subparagraph (A)(i), by striking*
 14 *“\$12,000” and inserting “\$10,000”; and*

15 (B) *in subparagraph (B)(i), by striking*
 16 *“\$12,000” and inserting “\$10,000”.*

17 (b) *EXTENSION.*—Section 246(b)(1) of the Trade Act
 18 of 1974 (19 U.S.C. 2318(b)(1)) is amended by striking
 19 “February 12, 2011” and inserting “December 31, 2013”.

20 **SEC. 216. PROGRAM ACCOUNTABILITY.**

21 (a) *CORE INDICATORS OF PERFORMANCE.*—

22 (1) *IN GENERAL.*—Section 239(j)(2)(A) of the
 23 Trade Act of 1974 (19 U.S.C. 2311(j)(2)(A)) is
 24 amended to read as follows:

1 “(A) *IN GENERAL.*—*The core indicators of*
2 *performance described in this paragraph are—*

3 “(i) *the percentage of workers receiving*
4 *benefits under this chapter who are em-*
5 *ployed during the first or second calendar*
6 *quarter following the calendar quarter in*
7 *which the workers cease receiving such bene-*
8 *fits;*

9 “(ii) *the percentage of such workers*
10 *who are employed during the 2 calendar*
11 *quarters following the earliest calendar*
12 *quarter during which the worker was em-*
13 *ployed as described in clause (i);*

14 “(iii) *the average earnings of such*
15 *workers who are employed during the 2 cal-*
16 *endar quarters described in clause (ii); and*

17 “(iv) *the percentage of such workers*
18 *who obtain a recognized postsecondary cre-*
19 *dential, including an industry-recognized*
20 *credential, or a secondary school diploma or*
21 *its recognized equivalent if combined with*
22 *employment under clause (i), while receiv-*
23 *ing benefits under this chapter or during*
24 *the 1-year period after such workers cease*
25 *receiving such benefits.”.*

1 (2) *EFFECTIVE DATE.*—*The amendment made by*
 2 *paragraph (1) shall—*

3 (A) *take effect on October 1, 2011; and*

4 (B) *apply with respect to agreements under*
 5 *section 239 of the Trade Act of 1974 (19 U.S.C.*
 6 *2311) entered into before, on, or after October 1,*
 7 *2011.*

8 (b) *COLLECTION AND PUBLICATION OF DATA.*—

9 (1) *IN GENERAL.*—*Section 249B(b) of the Trade*
 10 *Act of 1974 (19 U.S.C. 2323(b)) is amended—*

11 (A) *in paragraph (2)—*

12 (i) *in subparagraph (B), by inserting*
 13 *“(including such allowances classified by*
 14 *payments under paragraphs (1) and (3) of*
 15 *section 233(a), and section 233(f), respec-*
 16 *tively) and payments under section 246”*
 17 *after “readjustment allowances”; and*

18 (ii) *by adding at the end the following:*

19 *“(D) The average number of weeks trade re-*
 20 *adjustment allowances were paid to workers.*

21 *“(E) The number of workers who report*
 22 *that they have received benefits under a prior*
 23 *certification issued under this chapter in any of*
 24 *the 10 fiscal years preceding the fiscal year for*
 25 *which the data is collected under this section.”;*

1 (B) in paragraph (3)—

2 (i) in subparagraph (A), by inserting
3 “training leading to an associate’s degree,
4 remedial education, prerequisite education,”
5 after “distance learning,”;

6 (ii) by amending subparagraph (B) to
7 read as follows:

8 “(B) The number of workers who complete
9 training approved under section 236 who were
10 enrolled in pre-layoff training or part-time
11 training at any time during that training.”;

12 (iii) in subparagraph (C), by inserting
13 “, and the average duration of training that
14 does not include remedial or prerequisite
15 education” after “training”;

16 (iv) in subparagraph (E), by striking
17 “duration” and inserting “average dura-
18 tion”; and

19 (v) in subparagraph (F), by inserting
20 “and the average duration of the training
21 that was completed by such workers” after
22 “training”; and

23 (C) in paragraph (4)—

24 (i) by redesignating subparagraph (B)
25 as subparagraph (D); and

1 (ii) by inserting after subparagraph
2 (A) the following:

3 “(B) A summary of the data on workers in
4 the quarterly reports required under section
5 239(j) classified by the age, pre-program edu-
6 cational level, and post-program credential at-
7 tainment of the workers.

8 “(C) The average earnings of workers de-
9 scribed in section 239(j)(2)(A)(i) in the second,
10 third, and fourth calendar quarters following the
11 calendar quarter in which such workers cease re-
12 ceiving benefits under this chapter, expressed as
13 a percentage of the average earnings of such
14 workers in the 3 calendar quarters before the cal-
15 endar quarter in which such workers began re-
16 ceiving benefits under this chapter.”; and

17 (D) by adding at the end the following:

18 “(6) DATA ON SPENDING.—

19 “(A) The total amount of funds used to pay
20 for trade readjustment allowances, in the aggre-
21 gate and by each State.

22 “(B) The total amount of the payments to
23 the States to carry out sections 235 through 238
24 used for training, in the aggregate and for each
25 State.

1 “(C) *The total amount of payments to the*
 2 *States to carry out sections 235 through 238 used*
 3 *for the costs of administration, in the aggregate*
 4 *and for each State.*

5 “(D) *The total amount of payments to the*
 6 *States to carry out sections 235 through 238 used*
 7 *for job search and relocation allowances, in the*
 8 *aggregate and for each State.”.*

9 (2) *EFFECTIVE DATE.*—*Not later than October 1,*
 10 *2012, the Secretary of Labor shall update the system*
 11 *required by section 249B(a) of the Trade Act of 1974*
 12 *(19 U.S.C. 2323(a)) to include the collection of and*
 13 *reporting on the data required by the amendments*
 14 *made by paragraph (1).*

15 (3) *ANNUAL REPORT.*—*Section 249B(d) of the*
 16 *Trade Act of 1974 (19 U.S.C. 2323(d)) is amended by*
 17 *striking “December 15” and inserting “February 15”.*

18 **SEC. 217. EXTENSION.**

19 *Section 245(a) of the Trade Act of 1974 (19 U.S.C.*
 20 *2317(a)) is amended by striking “February 12, 2011” and*
 21 *inserting “December 31, 2013”.*

22 **PART III—OTHER ADJUSTMENT ASSISTANCE**

23 **SEC. 221. TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.**

24 (a) *ANNUAL REPORT.*—

1 (1) *IN GENERAL.*—Chapter 3 of title II of the
 2 Trade Act of 1974 (19 U.S.C. 2341 et seq.) is amend-
 3 ed by inserting after section 255 the following:

4 **“SEC. 255A. ANNUAL REPORT ON TRADE ADJUSTMENT AS-**
 5 **SISTANCE FOR FIRMS.**

6 “(a) *IN GENERAL.*—Not later than December 15, 2012,
 7 and annually thereafter, the Secretary shall prepare a re-
 8 port containing data regarding the trade adjustment assist-
 9 ance for firms program under this chapter for the preceding
 10 fiscal year. The data shall include the following:

11 “(1) *The number of firms that inquired about*
 12 *the program.*

13 “(2) *The number of petitions filed under section*
 14 *251.*

15 “(3) *The number of petitions certified and de-*
 16 *nied by the Secretary.*

17 “(4) *The average time for processing petitions*
 18 *after the petitions are filed.*

19 “(5) *The number of petitions filed and firms cer-*
 20 *tified for each congressional district of the United*
 21 *States.*

22 “(6) *Of the number of petitions filed, the number*
 23 *of firms that entered the program and received bene-*
 24 *fits.*

1 “(7) *The number of firms that received assist-*
2 *ance in preparing their petitions.*

3 “(8) *The number of firms that received assist-*
4 *ance developing business recovery plans.*

5 “(9) *The number of business recovery plans ap-*
6 *proved and denied by the Secretary.*

7 “(10) *The average duration of benefits received*
8 *under the program nationally and in each region*
9 *served by an intermediary organization referred to in*
10 *section 253(b)(1).*

11 “(11) *Sales, employment, and productivity at*
12 *each firm participating in the program at the time*
13 *of certification.*

14 “(12) *Sales, employment, and productivity at*
15 *each firm upon completion of the program and each*
16 *year for the 2-year period following completion of the*
17 *program.*

18 “(13) *The number of firms in operation as of the*
19 *date of the report and the number of firms that ceased*
20 *operations after completing the program and in each*
21 *year during the 2-year period following completion of*
22 *the program.*

23 “(14) *The financial assistance received by each*
24 *firm participating in the program.*

1 “(15) *The financial contribution made by each*
2 *firm participating in the program.*

3 “(16) *The types of technical assistance included*
4 *in the business recovery plans of firms participating*
5 *in the program.*

6 “(17) *The number of firms leaving the program*
7 *before completing the project or projects in their busi-*
8 *ness recovery plans and the reason the project or*
9 *projects were not completed.*

10 “(18) *The total amount expended by all inter-*
11 *mediary organizations referred to in section 253(b)(1)*
12 *and by each such organization to administer the pro-*
13 *gram.*

14 “(19) *The total amount expended by inter-*
15 *mediary organizations to provide technical assistance*
16 *to firms under the program nationally and in each*
17 *region served by such an organization.*

18 “(b) *CLASSIFICATION OF DATA.—To the extent pos-*
19 *sible, in collecting and reporting the data described in sub-*
20 *section (a), the Secretary shall classify the data by inter-*
21 *mediary organization, State, and national totals.*

22 “(c) *REPORT TO CONGRESS; PUBLICATION.—The Sec-*
23 *retary shall—*

24 “(1) *submit the report described in subsection (a)*
25 *to the Committee on Finance of the Senate and the*

1 *Committee on Ways and Means of the House of Rep-*
 2 *resentatives; and*

3 “(2) *publish the report in the Federal Register*
 4 *and on the website of the Department of Commerce.*

5 “(d) *PROTECTION OF CONFIDENTIAL INFORMATION.—*

6 “(1) *IN GENERAL.—The Secretary may not re-*
 7 *lease information described in subsection (a) that the*
 8 *Secretary considers to be confidential business infor-*
 9 *mation unless the person submitting the confidential*
 10 *business information had notice, at the time of sub-*
 11 *mission, that such information would be released by*
 12 *the Secretary, or such person subsequently consents to*
 13 *the release of the information.*

14 “(2) *RULE OF CONSTRUCTION.—Nothing in this*
 15 *subsection shall be construed to prohibit the Secretary*
 16 *from providing information the Secretary considers to*
 17 *be confidential business information under paragraph*
 18 *(1) to a court in camera or to another party under*
 19 *a protective order issued by a court.”.*

20 “(2) *CLERICAL AMENDMENT.—The table of con-*
 21 *tents for the Trade Act of 1974 is amended by insert-*
 22 *ing after the item relating to section 255 the fol-*
 23 *lowing:*

“Sec. 255A. *Annual report on trade adjustment assistance for firms.*”.

24 “(3) *CONFORMING REPEAL.—Effective on the day*
 25 *after the date on which the Secretary of Commerce*

1 *submits the report required by section 1866 of the*
 2 *Trade and Globalization Adjustment Assistance Act of*
 3 *2009 (19 U.S.C. 2356) for fiscal year 2011, such sec-*
 4 *tion is repealed.*

5 (b) *EXTENSION.*—*Section 255(a) of the Trade Act of*
 6 *1974 (19 U.S.C. 2345(a)) is amended—*

7 (1) *by striking “\$50,000,000” and all that fol-*
 8 *lows through “February 12, 2011.” and inserting*
 9 *“\$16,000,000 for each of the fiscal years 2012 and*
 10 *2013, and \$4,000,000 for the 3-month period begin-*
 11 *ning on October 1, 2013, and ending on December 31,*
 12 *2013.”; and*

13 (2) *by striking “shall—” and all that follows*
 14 *through “otherwise remain” and inserting “shall re-*
 15 *main”.*

16 **SEC. 222. TRADE ADJUSTMENT ASSISTANCE FOR COMMU-**
 17 **NITIES.**

18 (a) *IN GENERAL.*—*Chapter 4 of title II of the Trade*
 19 *Act of 1974 (19 U.S.C. 2371 et seq.) is amended—*

20 (1) *by striking subchapters A, C, and D;*

21 (2) *in subchapter B, by striking the subchapter*
 22 *heading; and*

23 (3) *by redesignating sections 278 and 279 as sec-*
 24 *tions 271 and 272, respectively.*

25 (b) *ANNUAL REPORT.*—

1 (1) *IN GENERAL.*—Subsection (e) of section 271
2 of the Trade Act of 1974, as redesignated by sub-
3 section (a)(3), is amended—

4 (A) in the matter preceding paragraph (1),
5 by striking “December 15 in each of the calendar
6 years 2009 through” and inserting “December
7 15, 2009,”;

8 (B) in paragraph (1), by striking “and” at
9 the end;

10 (C) in paragraph (2), by striking the period
11 at the end and inserting “; and”; and

12 (D) by adding at the end the following:

13 “(3) providing the following data relating to
14 program performance and outcomes:

15 “(A) Of the grants awarded under this sec-
16 tion, the amount of funds spent by grantees.

17 “(B) The average dollar amount of grants
18 awarded under this section.

19 “(C) The average duration of grants award-
20 ed under this section.

21 “(D) The percentage of workers receiving
22 benefits under chapter 2 that are served by pro-
23 grams developed, offered, or improved using
24 grants awarded under this section.

1 “(E) *The percentage and number of workers*
 2 *receiving benefits under chapter 2 who obtained*
 3 *a degree through such programs and the average*
 4 *duration of the participation of such workers in*
 5 *training under section 236.*

6 “(F) *The number of workers receiving bene-*
 7 *fits under chapter 2 served by such programs*
 8 *who did not complete a degree and the average*
 9 *duration of the participation of such workers in*
 10 *training under section 236.”.*

11 (2) *EFFECTIVE DATE.*—*The amendments made*
 12 *by paragraph (1) shall—*

13 (A) *take effect on October 1, 2011; and*

14 (B) *apply with respect to reports submitted*
 15 *under subsection (e) of section 271 of the Trade*
 16 *Act of 1974, as redesignated by subsection (a)(3),*
 17 *on or after October 1, 2012.*

18 (c) *CONFORMING AMENDMENTS.*—

19 (1) *Section 271 of the Trade Act of 1974, as re-*
 20 *designated by subsection (a)(3), is amended—*

21 (A) *in subsection (c)—*

22 (i) *in paragraph (4)—*

23 (I) *in subparagraph (A)—*

1 (aa) in clause (ii), by strik-
 2 ing the semicolon and inserting “;
 3 and”;
 4 (bb) by striking clauses (iii)
 5 and (iv); and
 6 (cc) by redesignating clause
 7 (v) as clause (iii);
 8 (II) in subparagraph (B), by
 9 striking “(A)(v)” and inserting
 10 “(A)(iii)”; and
 11 (ii) in paragraph (5)(A)—
 12 (I) in clause (i)—
 13 (aa) in the matter preceding
 14 subclause (I), by striking “, and
 15 other entities described in section
 16 276(a)(2)(B)”; and
 17 (bb) in subclause (II), by
 18 striking the semicolon and insert-
 19 ing “; and”;
 20 (II) by striking clause (iii); and
 21 (B) in subsection (d), by striking paragraph
 22 (2) and redesignating paragraph (3) as para-
 23 graph (2).
 24 (2) Subsection (b) of section 272 of the Trade Act
 25 of 1974, as redesignated by subsection (a)(3), is

1 amended by striking “278(a)(2)” and inserting
2 “271(a)(2)”.

3 (d) *CLERICAL AMENDMENT.*—*The table of contents for*
4 *the Trade Act of 1974 is amended by striking the items*
5 *relating to chapter 4 of title II and inserting the following:*

“CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

“Sec. 271. Community College and Career Training Grant Program.

“Sec. 272. Authorization of appropriations.”.

6 **SEC. 223. TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.**

7 (a) *ANNUAL REPORT.*—

8 (1) *IN GENERAL.*—*Section 293(d) of the Trade*
9 *Act of 1974 (19 U.S.C. 2401b(d)) is amended to read*
10 *as follows:*

11 “(d) *ANNUAL REPORT.*—*Not later than January 30 of*
12 *each year, the Secretary shall submit to the Committee on*
13 *Finance of the Senate and the Committee on Ways and*
14 *Means of the House of Representatives a report containing*
15 *the following information with respect to the trade adjust-*
16 *ment assistance for farmers program under this chapter*
17 *during the preceding fiscal year:*

18 “(1) *A list of the agricultural commodities cov-*
19 *ered by a certification under this chapter.*

20 “(2) *The States or regions in which agricultural*
21 *commodities are produced and the aggregate amount*
22 *of such commodities produced in each such State or*
23 *region.*

1 “(3) *The number of petitions filed.*

2 “(4) *The number of petitions certified and de-*
3 *nied by the Secretary.*

4 “(5) *The average time for processing petitions.*

5 “(6) *The number of petitions filed and agricul-*
6 *tural commodity producers approved for each congres-*
7 *sional district of the United States.*

8 “(7) *Of the number of producers approved, the*
9 *number of agricultural commodity producers that en-*
10 *tered the program and received benefits.*

11 “(8) *The number of agricultural commodity pro-*
12 *ducers that completed initial technical assistance.*

13 “(9) *The number of agricultural commodity pro-*
14 *ducers that completed intensive technical assistance.*

15 “(10) *The number of initial business plans ap-*
16 *proved and denied by the Secretary.*

17 “(11) *The number of long-term business plans*
18 *approved and denied by the Secretary.*

19 “(12) *The total number of agricultural com-*
20 *modity producers, by congressional district, receiving*
21 *initial technical assistance and intensive technical as-*
22 *sistance, respectively, under this chapter.*

23 “(13) *The types of initial technical assistance re-*
24 *ceived by agricultural commodity producers partici-*
25 *pating in the program.*

1 “(14) *The types of intensive technical assistance*
2 *received by agricultural commodity producers partici-*
3 *pating in the program.*

4 “(15) *The number of agricultural commodity*
5 *producers leaving the program before completing the*
6 *projects in their long-term business plans and the rea-*
7 *son those projects were not completed.*

8 “(16) *The total number of agricultural com-*
9 *modity producers, by congressional district, receiving*
10 *benefits under this chapter.*

11 “(17) *The average duration of benefits received*
12 *under this chapter.*

13 “(18) *The number of agricultural commodity*
14 *producers in operation as of the date of the report*
15 *and the number of agricultural commodity producers*
16 *that ceased operations after completing the program*
17 *and in the 1-year period following completion of the*
18 *program.*

19 “(19) *The number of agricultural commodity*
20 *producers that report that such producers received*
21 *benefits under a prior certification issued under this*
22 *chapter in any of the 10 fiscal years preceding the*
23 *date of the report.”.*

24 (2) *EFFECTIVE DATE.*—*The amendment made by*
25 *paragraph (1) shall—*

1 (A) take effect on October 1, 2011; and

2 (B) apply with respect to reports submitted
3 under section 293(d) of the Trade Act of 1974
4 (19 U.S.C. 2401b(d)) on or after October 1,
5 2012.

6 (b) *EXTENSION*.—Section 298(a) of the Trade Act of
7 1974 (19 U.S.C. 2401g(a)) is amended—

8 (1) by striking “and there are appropriated”;
9 and

10 (2) by striking “not to exceed” and all that fol-
11 lows through “February 12, 2011” and inserting “not
12 to exceed \$90,000,000 for each of the fiscal years 2012
13 and 2013, and \$22,500,000 for the 3-month period be-
14 ginning on October 1, 2013, and ending on December
15 31, 2013”.

16 **PART IV—GENERAL PROVISIONS**

17 **SEC. 231. APPLICABILITY OF TRADE ADJUSTMENT ASSIST-** 18 **ANCE PROVISIONS.**

19 (a) *TRADE ADJUSTMENT ASSISTANCE FOR WORK-*
20 *ERS*.—

21 (1) *PETITIONS FILED ON OR AFTER FEBRUARY*
22 *13, 2011, AND BEFORE DATE OF ENACTMENT*.—

23 (A) *CERTIFICATIONS OF WORKERS NOT CER-*
24 *TIFIED BEFORE DATE OF ENACTMENT*.—

(i) *CRITERIA IF A DETERMINATION HAS NOT BEEN MADE.*—If, as of the date of the enactment of this Act, the Secretary of Labor has not made a determination with respect to whether to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in clause (iii), the Secretary shall make that determination based on the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment.

(ii) *RECONSIDERATION OF DENIALS OF CERTIFICATIONS.*—If, before the date of the enactment of this Act, the Secretary made a determination not to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in clause (iii), the Secretary shall—

(I) *reconsider that determination;*

and

(II) *if the group of workers meets the requirements of section 222 of the Trade Act of 1974, as in effect on such*

1 date of enactment, certify the group of
2 workers as eligible to apply for adjust-
3 ment assistance.

4 (iii) *PETITION DESCRIBED.*—A peti-
5 tion described in this clause is a petition for
6 a certification of eligibility for a group of
7 workers filed under section 221 of the Trade
8 Act of 1974 on or after February 13, 2011,
9 and before the date of the enactment of this
10 Act.

11 (B) *ELIGIBILITY FOR BENEFITS.*—

12 (i) *IN GENERAL.*—Except as provided
13 in clause (ii), a worker certified as eligible
14 to apply for adjustment assistance under
15 section 222 of the Trade Act of 1974 pursu-
16 ant to a petition described in subparagraph
17 (A)(iii) shall be eligible, on and after the
18 date that is 60 days after the date of the en-
19 actment of this Act, to receive benefits only
20 under the provisions of chapter 2 of title II
21 of the Trade Act of 1974, as in effect on
22 such date of enactment.

23 (ii) *ELECTION FOR WORKERS RECEIV-*
24 *ING BENEFITS ON THE 60TH DAY AFTER EN-*
25 *ACTMENT.*—

1 (I) *IN GENERAL.*—A worker cer-
 2 tified as eligible to apply for adjust-
 3 ment assistance under section 222 of
 4 the Trade Act of 1974 pursuant to a
 5 petition described in subparagraph
 6 (A)(iii) who is receiving benefits under
 7 chapter 2 of title II of the Trade Act
 8 of 1974 as of the date that is 60 days
 9 after the date of the enactment of this
 10 Act may, not later than the date that
 11 is 150 days after such date of enact-
 12 ment, make a one-time election to re-
 13 ceive benefits pursuant to—

14 (aa) the provisions of chapter
 15 2 of title II of the Trade Act of
 16 1974, as in effect on such date of
 17 enactment; or

18 (bb) the provisions of chapter
 19 2 of title II of the Trade Act of
 20 1974, as in effect on February 13,
 21 2011.

22 (II) *EFFECT OF FAILURE TO*
 23 *MAKE ELECTION.*—A worker described
 24 in subclause (I) who does not make the
 25 election described in that subclause on

1 or before the date that is 150 days after
 2 the date of the enactment of this Act
 3 shall be eligible to receive benefits only
 4 under the provisions of chapter 2 of
 5 title II of the Trade Act of 1974, as in
 6 effect on February 13, 2011.

7 (III) COMPUTATION OF MAXIMUM
 8 BENEFITS.—Benefits received by a
 9 worker described in subclause (I) under
 10 chapter 2 of title II of the Trade Act
 11 of 1974, as in effect on February 13,
 12 2011, before the worker makes the elec-
 13 tion described in that subclause shall
 14 be included in any determination of
 15 the maximum benefits for which the
 16 worker is eligible under the provisions
 17 of chapter 2 of title II of the Trade Act
 18 of 1974, as in effect on the date of the
 19 enactment of this Act, or as in effect on
 20 February 13, 2011, whichever is appli-
 21 cable after the election of the worker
 22 under subclause (I).

23 (2) PETITIONS FILED BEFORE FEBRUARY 13,
 24 2011.—A worker certified as eligible to apply for ad-

1 *justment assistance pursuant to a petition filed under*
 2 *section 221 of the Trade Act of 1974—*

3 *(A) on or after May 18, 2009, and on or be-*
 4 *fore February 12, 2011, shall continue to be eli-*
 5 *gible to apply for and receive benefits under the*
 6 *provisions of chapter 2 of title II of such Act, as*
 7 *in effect on February 12, 2011; or*

8 *(B) before May 18, 2009, shall continue to*
 9 *be eligible to apply for and receive benefits under*
 10 *the provisions of chapter 2 of title II of such Act,*
 11 *as in effect on May 17, 2009.*

12 *(3) QUALIFYING SEPARATIONS WITH RESPECT TO*
 13 *PETITIONS FILED WITHIN 90 DAYS OF DATE OF EN-*
 14 *ACTMENT.—Section 223(b) of the Trade Act of 1974,*
 15 *as in effect on the date of the enactment of this Act,*
 16 *shall be applied and administered by substituting*
 17 *“before February 13, 2010” for “more than one year*
 18 *before the date of the petition on which such certifi-*
 19 *cation was granted” for purposes of determining*
 20 *whether a worker is eligible to apply for adjustment*
 21 *assistance pursuant to a petition filed under section*
 22 *221 of the Trade Act of 1974 on or after the date of*
 23 *the enactment of this Act and on or before the date*
 24 *that is 90 days after such date of enactment.*

25 *(b) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—*

1 (1) *CERTIFICATION OF FIRMS NOT CERTIFIED*
2 *BEFORE DATE OF ENACTMENT.*—

3 (A) *CRITERIA IF A DETERMINATION HAS*
4 *NOT BEEN MADE.*—*If, as of the date of the enact-*
5 *ment of this Act, the Secretary of Commerce has*
6 *not made a determination with respect to wheth-*
7 *er to certify a firm as eligible to apply for ad-*
8 *justment assistance under section 251 of the*
9 *Trade Act of 1974 pursuant to a petition de-*
10 *scribed in subparagraph (C), the Secretary shall*
11 *make that determination based on the require-*
12 *ments of section 251 of the Trade Act of 1974,*
13 *as in effect on such date of enactment.*

14 (B) *RECONSIDERATION OF DENIAL OF CER-*
15 *TAIN PETITIONS.*—*If, before the date of the enact-*
16 *ment of this Act, the Secretary made a deter-*
17 *mination not to certify a firm as eligible to*
18 *apply for adjustment assistance under section*
19 *251 of the Trade Act of 1974 pursuant to a peti-*
20 *tion described in subparagraph (C), the Sec-*
21 *retary shall—*

22 (i) *reconsider that determination; and*
23 (ii) *if the firm meets the requirements*
24 *of section 251 of the Trade Act of 1974, as*
25 *in effect on such date of enactment, certify*

1 the firm as eligible to apply for adjustment
2 assistance.

3 (C) *PETITION DESCRIBED.*—A petition de-
4 scribed in this subparagraph is a petition for a
5 certification of eligibility filed by a firm or its
6 representative under section 251 of the Trade Act
7 of 1974 on or after February 13, 2011, and be-
8 fore the date of the enactment of this Act.

9 (2) *CERTIFICATION OF FIRMS THAT DID NOT*
10 *SUBMIT PETITIONS BETWEEN FEBRUARY 13, 2011, AND*
11 *DATE OF ENACTMENT.*—

12 (A) *IN GENERAL.*—The Secretary of Com-
13 merce shall certify a firm described in subpara-
14 graph (B) as eligible to apply for adjustment as-
15 sistance under section 251 of the Trade Act of
16 1974, as in effect on the date of the enactment
17 of this Act, if the firm or its representative files
18 a petition for a certification of eligibility under
19 section 251 of the Trade Act of 1974 not later
20 than 90 days after such date of enactment.

21 (B) *FIRM DESCRIBED.*—A firm described in
22 this subparagraph is a firm that the Secretary
23 determines would have been certified as eligible
24 to apply for adjustment assistance if—

1 (i) the firm or its representative had
 2 filed a petition for a certification of eligi-
 3 bility under section 251 of the Trade Act of
 4 1974 on a date during the period beginning
 5 on February 13, 2011, and ending on the
 6 day before the date of the enactment of this
 7 Act; and

8 (ii) the provisions of chapter 3 of title
 9 II of the Trade Act of 1974, as in effect on
 10 such date of enactment, had been in effect
 11 on that date during the period described in
 12 clause (i).

13 **SEC. 232. TERMINATION PROVISIONS.**

14 Section 285 of the Trade Act of 1974 (19 U.S.C. 2271
 15 note) is amended—

16 (1) by striking “February 12, 2011” each place
 17 it appears and inserting “December 31, 2013”;

18 (2) in subsection (a)(2)—

19 (A) in the matter preceding subparagraph
 20 (A), by striking “that chapter” and all that fol-
 21 lows through “the worker is—” and inserting
 22 “that chapter if the worker is—”; and

23 (B) in subparagraph (A), by striking “peti-
 24 tions” and inserting “a petition”; and

25 (3) in subsection (b)—

1 (A) in paragraph (1)(B), in the matter pre-
 2 ceding clause (i), by inserting “pursuant to a pe-
 3 tition filed under section 251” after “chapter 3”;

4 (B) in paragraph (2)(B), in the matter pre-
 5 ceding clause (i), by inserting “pursuant to a pe-
 6 tition filed under section 292” after “chapter 6”;

7 and

8 (C) by striking paragraph (3).

9 **SEC. 233. SUNSET PROVISIONS.**

10 (a) *APPLICATION OF PRIOR LAW.*—Subject to sub-
 11 section (b), beginning on January 1, 2014, the provisions
 12 of chapters 2, 3, 5, and 6 of title II of the Trade Act of
 13 1974 (19 U.S.C. 2271 et seq.), as in effect on February 13,
 14 2011, shall apply, except that in applying and admin-
 15 istering such chapters—

16 (1) paragraph (1) of section 231(c) of that Act
 17 shall be applied and administered as if subpara-
 18 graphs (A), (B), and (C) of that paragraph were not
 19 in effect;

20 (2) section 233 of that Act shall be applied and
 21 administered—

22 (A) in subsection (a)—

23 (i) in paragraph (2), by substituting
 24 “104-week period” for “104-week period”

1 *and all that follows through “130-week pe-*
 2 *riod)”*; and

3 *(ii) in paragraph (3)—*

4 *(I) in the matter preceding sub-*
 5 *paragraph (A), by substituting “65”*
 6 *for “52”; and*

7 *(II) by substituting “78-week pe-*
 8 *riod” for “52-week period” each place*
 9 *it appears; and*

10 *(B) by applying and administering sub-*
 11 *section (g) as if it read as follows:*

12 “(g) *PAYMENT OF TRADE READJUSTMENT ALLOW-*
 13 *ANCES TO COMPLETE TRAINING.—Notwithstanding any*
 14 *other provision of this section, in order to assist an ad-*
 15 *versely affected worker to complete training approved for*
 16 *the worker under section 236 that leads to the completion*
 17 *of a degree or industry-recognized credential, payments*
 18 *may be made as trade readjustment allowances for not more*
 19 *than 13 weeks within such period of eligibility as the Sec-*
 20 *retary may prescribe to account for a break in training*
 21 *or for justifiable cause that follows the last week for which*
 22 *the worker is otherwise entitled to a trade readjustment al-*
 23 *lowance under this chapter if—*

1 “(1) payment of the trade readjustment allow-
2 ance for not more than 13 weeks is necessary for the
3 worker to complete the training;

4 “(2) the worker participates in training in each
5 such week; and

6 “(3) the worker—

7 “(A) has substantially met the performance
8 benchmarks established as part of the training
9 approved for the worker;

10 “(B) is expected to continue to make
11 progress toward the completion of the training;
12 and

13 “(C) will complete the training during that
14 period of eligibility.”;

15 (3) section 245 of that Act shall be applied and
16 administered by substituting “2014” for “2007”;

17 (4) section 246(b)(1) of that Act shall be applied
18 and administered by substituting “December 31,
19 2014” for “the date that is 5 years” and all that fol-
20 lows through “State”;

21 (5) section 256(b) of that Act shall be applied
22 and administered by substituting “the 1-year period
23 beginning on January 1, 2014” for “each of fiscal
24 years 2003 through 2007, and \$4,000,000 for the 3-
25 month period beginning on October 1, 2007”;

1 (6) section 298(a) of that Act shall be applied
 2 and administered by substituting “the 1-year period
 3 beginning on January 1, 2014” for “each of the fiscal
 4 years” and all that follows through “October 1,
 5 2007”; and

6 (7) section 285 of that Act shall be applied and
 7 administered—

8 (A) in subsection (a), by substituting
 9 “2014” for “2007” each place it appears; and

10 (B) by applying and administering sub-
 11 section (b) as if it read as follows:

12 “(b) *OTHER ASSISTANCE.*—

13 “(1) *ASSISTANCE FOR FIRMS.*—

14 “(A) *IN GENERAL.*—Except as provided in
 15 subparagraph (B), assistance may not be pro-
 16 vided under chapter 3 after December 31, 2014.

17 “(B) *EXCEPTION.*—Notwithstanding sub-
 18 paragraph (A), any assistance approved under
 19 chapter 3 on or before December 31, 2014, may
 20 be provided—

21 “(i) to the extent funds are available
 22 pursuant to such chapter for such purpose;
 23 and

1 “(ii) to the extent the recipient of the
2 assistance is otherwise eligible to receive
3 such assistance.

4 “(2) *FARMERS.*—

5 “(A) *IN GENERAL.*—Except as provided in
6 subparagraph (B), assistance may not be pro-
7 vided under chapter 6 after December 31, 2014.

8 “(B) *EXCEPTION.*—Notwithstanding sub-
9 paragraph (A), any assistance approved under
10 chapter 6 on or before December 31, 2014, may
11 be provided—

12 “(i) to the extent funds are available
13 pursuant to such chapter for such purpose;
14 and

15 “(ii) to the extent the recipient of the
16 assistance is otherwise eligible to receive
17 such assistance.”.

18 (b) *EXCEPTIONS.*—The provisions of chapters 2, 3, 5,
19 and 6 of title II of the Trade Act of 1974, as in effect on
20 the date of the enactment of this Act, shall continue to apply
21 on and after January 1, 2014, with respect to—

22 (1) workers certified as eligible for trade adjust-
23 ment assistance benefits under chapter 2 of title II of
24 that Act pursuant to petitions filed under section 221
25 of that Act before January 1, 2014;

(2) *firms certified as eligible for technical assistance or grants under chapter 3 of title II of that Act pursuant to petitions filed under section 251 of that Act before January 1, 2014; and*

(3) *agricultural commodity producers certified as eligible for technical or financial assistance under chapter 6 of title II of that Act pursuant to petitions filed under section 292 of that Act before January 1, 2014.*

Subtitle B—Health Coverage Improvement

SEC. 241. HEALTH CARE TAX CREDIT.

(a) *TERMINATION OF CREDIT.*—Subparagraph (B) of section 35(b)(1) of the Internal Revenue Code of 1986 is amended by inserting “, and before January 1, 2014” before the period.

(b) *EXTENSION THROUGH CREDIT TERMINATION DATE OF CERTAIN EXPIRED CREDIT PROVISIONS.*—

(1) *PARTIAL EXTENSION OF INCREASED CREDIT RATE.*—Section 35(a) of such Code is amended by striking “65 percent (80 percent in the case of eligible coverage months beginning before February 13, 2011)” and inserting “72.5 percent”.

(2) *EXTENSION OF ADVANCE PAYMENT PROVISIONS.*—

1 (A) Section 7527(b) of such Code is amend-
 2 ed by striking “65 percent (80 percent in the
 3 case of eligible coverage months beginning before
 4 February 13, 2011)” and inserting “72.5 per-
 5 cent”.

6 (B) Section 7527(d)(2) of such Code is
 7 amended by striking “which is issued before Feb-
 8 ruary 13, 2011”.

9 (C) Section 7527(e) of such Code is amend-
 10 ed by striking “80 percent” and inserting “72.5
 11 percent”.

12 (D) Section 7527(e) of such Code is amend-
 13 ed by striking “In the case of eligible coverage
 14 months beginning before February 13, 2011—”.

15 (3) *EXTENSION OF CERTAIN OTHER RELATED*
 16 *PROVISIONS.—*

17 (A) Section 35(c)(2)(B) of such Code is
 18 amended by striking “and before February 13,
 19 2011”.

20 (B) Section 35(e)(1)(K) of such Code is
 21 amended by striking “In the case of eligible cov-
 22 erage months beginning before February 13,
 23 2012, coverage” and inserting “Coverage”.

24 (C) Section 35(g)(9) of such Code, as added
 25 by section 1899E(a) of the American Recovery

1 *and Reinvestment Tax Act of 2009 (relating to*
 2 *continued qualification of family members after*
 3 *certain events), is amended by striking “In the*
 4 *case of eligible coverage months beginning before*
 5 *February 13, 2011—”.*

6 *(D) Section 173(f)(8) of the Workforce In-*
 7 *vestment Act of 1998 is amended by striking “In*
 8 *the case of eligible coverage months beginning be-*
 9 *fore February 13, 2011—”.*

10 *(c) EFFECTIVE DATES.—*

11 *(1) IN GENERAL.—Except as otherwise provided*
 12 *in this subsection, the amendments made by this sec-*
 13 *tion shall apply to coverage months beginning after*
 14 *February 12, 2011.*

15 *(2) ADVANCE PAYMENT PROVISIONS.—*

16 *(A) The amendment made by subsection*
 17 *(b)(2)(B) shall apply to certificates issued after*
 18 *the date which is 30 days after the date of the*
 19 *enactment of this Act.*

20 *(B) The amendment made by subsection*
 21 *(b)(2)(D) shall apply to coverage months begin-*
 22 *ning after the date which is 30 days after the*
 23 *date of the enactment of this Act.*

1 **SEC. 242. TAA PRE-CERTIFICATION PERIOD RULE FOR PUR-**
 2 **POSES OF DETERMINING WHETHER THERE IS**
 3 **A 63-DAY LAPSE IN CREDITABLE COVERAGE.**

4 (a) *IN GENERAL.*—*The following provisions are each*
 5 *amended by striking “February 13, 2011” and inserting*
 6 *“January 1, 2014”:*

7 (1) *Section 9801(c)(2)(D) of the Internal Rev-*
 8 *enue Code of 1986.*

9 (2) *Section 701(c)(2)(C) of the Employee Retire-*
 10 *ment Income Security Act of 1974 (29 U.S.C.*
 11 *1181(c)(2)(C)).*

12 (3) *Section 2701(c)(2)(C) of the Public Health*
 13 *Service Act (as in effect for plan years beginning be-*
 14 *fore January 1, 2014).*

15 (4) *Section 2704(c)(2)(C) of the Public Health*
 16 *Service Act (as in effect for plan years beginning on*
 17 *or after January 1, 2014).*

18 (b) *EFFECTIVE DATE.*—

19 (1) *IN GENERAL.*—*The amendments made by*
 20 *this section shall apply to plan years beginning after*
 21 *February 12, 2011.*

22 (2) *TRANSITIONAL RULES.*—

23 (A) *BENEFIT DETERMINATIONS.*—*Notwith-*
 24 *standing the amendments made by this section*
 25 *(and the provisions of law amended thereby), a*
 26 *plan shall not be required to modify benefit de-*

1 terminations for the period beginning on Feb-
2 ruary 13, 2011, and ending 30 days after the
3 date of the enactment of this Act, but a plan
4 shall not fail to be qualified health insurance
5 within the meaning of section 35(e) of the Inter-
6 nal Revenue Code of 1986 during this period
7 merely due to such failure to modify benefit de-
8 terminations.

9 (B) GUIDANCE CONCERNING PERIODS BE-
10 FORE 30 DAYS AFTER ENACTMENT.—Except as
11 provided in subparagraph (A), the Secretary of
12 the Treasury (or his designee), in consultation
13 with the Secretary of Health and Human Serv-
14 ices and the Secretary of Labor, may issue regu-
15 lations or other guidance regarding the scope of
16 the application of the amendments made by this
17 section to periods before the date which is 30
18 days after the date of the enactment of this Act.

19 (C) SPECIAL RULE RELATING TO CERTAIN
20 LOSS OF COVERAGE.—In the case of a TAA-re-
21 lated loss of coverage (as defined in section
22 4980B(f)(5)(C)(iv) of the Internal Revenue Code
23 of 1986) that occurs during the period beginning
24 on February 13, 2011, and ending 30 days after
25 the date of the enactment of this Act, the 7-day

period described in section 9801(c)(2)(D) of the Internal Revenue Code of 1986, section 701(c)(2)(C) of the Employee Retirement Income Security Act of 1974, and section 2701(c)(2)(C) of the Public Health Service Act shall be extended until 30 days after such date of enactment.

SEC. 243. EXTENSION OF COBRA BENEFITS FOR CERTAIN TAA-ELIGIBLE INDIVIDUALS AND PBGC RECIPIENTS.

(a) *IN GENERAL.*—The following provisions are each amended by striking “February 12, 2011” and inserting “January 1, 2014”:

(1) Section 602(2)(A)(v) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162(2)(A)(v)).

(2) Section 602(2)(A)(vi) of such Act (29 U.S.C. 1162(2)(A)(vi)).

(3) Section 4980B(f)(2)(B)(i)(V) of the Internal Revenue Code of 1986.

(4) Section 4980B(f)(2)(B)(i)(VI) of such Code.

(5) Section 2202(2)(A)(iv) of the Public Health Service Act (42 U.S.C. 300bb–2(2)(A)(iv)).

(b) *EFFECTIVE DATE.*—The amendments made by this section shall apply to periods of coverage which would

1 *(without regard to the amendments made by this section)*
 2 *end on or after the date which is 30 days after the date*
 3 *of the enactment of this Act.*

4 ***Subtitle C—Offsets***

5 ***PART I—UNEMPLOYMENT COMPENSATION***

6 ***PROGRAM INTEGRITY***

7 ***SEC. 251. MANDATORY PENALTY ASSESSMENT ON FRAUD***

8 ***CLAIMS.***

9 *(a) IN GENERAL.—Section 303(a) of the Social Secu-*
 10 *rity Act (42 U.S.C. 503(a)) is amended—*

11 *(1) in paragraph (10), by striking the period at*
 12 *the end of subparagraph (B) and inserting “; and”;*
 13 *and*

14 *(2) by adding at the end the following new para-*
 15 *graph:*

16 *“(11)(A) At the time the State agency determines*
 17 *an erroneous payment from its unemployment fund*
 18 *was made to an individual due to fraud committed*
 19 *by such individual, the assessment of a penalty on the*
 20 *individual in an amount of not less than 15 percent*
 21 *of the amount of the erroneous payment; and*

22 *“(B) The immediate deposit of all assessments*
 23 *paid pursuant to subparagraph (A) into the unem-*
 24 *ployment fund of the State.”.*

25 *(b) APPLICATION TO FEDERAL PAYMENTS.—*

1 (1) *IN GENERAL.*—As a condition for admin-
2 istering any unemployment compensation program of
3 the United States (as defined in paragraph (2)) as an
4 agent of the United States, if the State determines
5 that an erroneous payment was made by the State to
6 an individual under any such program due to fraud
7 committed by such individual, the State shall assess
8 a penalty on such individual and deposit any such
9 penalty received in the same manner as the State as-
10 sesses and deposits such penalties under provisions of
11 State law implementing section 303(a)(11) of the So-
12 cial Security Act, as added by subsection (a).

13 (2) *DEFINITION.*—For purposes of this sub-
14 section, the term “unemployment compensation pro-
15 gram of the United States” means—

16 (A) unemployment compensation for Fed-
17 eral civilian employees under subchapter I of
18 chapter 85 of title 5, United States Code;

19 (B) unemployment compensation for ex-
20 servicemembers under subchapter II of chapter
21 85 of title 5, United States Code;

22 (C) trade readjustment allowances under
23 sections 231 through 234 of the Trade Act of
24 1974 (19 U.S.C. 2291–2294);

1 (D) disaster unemployment assistance
 2 under section 410(a) of the Robert T. Stafford
 3 Disaster Relief and Emergency Assistance Act
 4 (42 U.S.C. 5177(a));

5 (E) any Federal temporary extension of un-
 6 employment compensation;

7 (F) any Federal program which increases
 8 the weekly amount of unemployment compensa-
 9 tion payable to individuals; and

10 (G) any other Federal program providing
 11 for the payment of unemployment compensation.

12 (c) *EFFECTIVE DATE.*—

13 (1) *IN GENERAL.*—Except as provided in para-
 14 graph (2), the amendments made by this section shall
 15 apply to erroneous payments established after the end
 16 of the 2-year period beginning on the date of the en-
 17 actment of this Act.

18 (2) *AUTHORITY.*—A State may amend its State
 19 law to apply such amendments to erroneous payments
 20 established prior to the end of the period described in
 21 paragraph (1).

22 **SEC. 252. PROHIBITION ON NONCHARGING DUE TO EM-**
 23 **PLOYER FAULT.**

24 (a) *IN GENERAL.*—Section 3303 of the Internal Rev-
 25 enue Code of 1986 is amended—

1 (1) *by striking subsections (f) and (g); and*
 2 (2) *by inserting after subsection (e) the following*
 3 *new subsection:*

4 “(f) *PROHIBITION ON NONCHARGING DUE TO EM-*
 5 *PLOYER FAULT.—*

6 “(1) *IN GENERAL.—A State law shall be treated*
 7 *as meeting the requirements of subsection (a)(1) only*
 8 *if such law provides that an employer’s account shall*
 9 *not be relieved of charges relating to a payment from*
 10 *the State unemployment fund if the State agency de-*
 11 *termines that—*

12 “(A) *the payment was made because the em-*
 13 *ployer, or an agent of the employer, was at fault*
 14 *for failing to respond timely or adequately to the*
 15 *request of the agency for information relating to*
 16 *the claim for compensation; and*

17 “(B) *the employer or agent has established*
 18 *a pattern of failing to respond timely or ade-*
 19 *quately to such requests.*

20 “(2) *STATE AUTHORITY TO IMPOSE STRICTER*
 21 *STANDARDS.—Nothing in paragraph (1) shall limit*
 22 *the authority of a State to provide that an employer’s*
 23 *account not be relieved of charges relating to a pay-*
 24 *ment from the State unemployment fund for reasons*
 25 *other than the reasons described in subparagraphs (A)*

1 *and (B) of such paragraph, such as after the first in-*
 2 *stance of a failure to respond timely or adequately to*
 3 *requests described in paragraph (1)(A).”.*

4 ***(b) EFFECTIVE DATE.—***

5 ***(1) IN GENERAL.—****Except as provided in para-*
 6 *graph (2), the amendments made by this section shall*
 7 *apply to erroneous payments established after the end*
 8 *of the 2-year period beginning on the date of the en-*
 9 *actment of this Act.*

10 ***(2) AUTHORITY.—****A State may amend its State*
 11 *law to apply such amendments to erroneous payments*
 12 *established prior to the end of the period described in*
 13 *paragraph (1).*

14 **SEC. 253. REPORTING OF REHIRED EMPLOYEES TO THE DI-**
 15 **RECTORY OF NEW HIRES.**

16 ***(a) DEFINITION OF NEWLY HIRED EMPLOYEE.—****Sec-*
 17 *tion 453A(a)(2) of the Social Security Act (42 U.S.C.*
 18 *653a(a)(2)) is amended by adding at the end the following:*

19 ***“(C) NEWLY HIRED EMPLOYEE.—****The term*
 20 *‘newly hired employee’ means an employee*
 21 *who—*

22 ***“(i) has not previously been employed***
 23 *by the employer; or*

24 ***“(ii) was previously employed by the***
 25 *employer but has been separated from such*

1 *prior employment for at least 60 consecutive*
2 *days.”.*

3 (b) *EFFECTIVE DATE.*—

4 (1) *IN GENERAL.*—*Subject to paragraph (2), the*
5 *amendments made by this section shall take effect 6*
6 *months after the date of the enactment of this Act.*

7 (2) *COMPLIANCE TRANSITION PERIOD.*—*If the*
8 *Secretary of Health and Human Services determines*
9 *that State legislation (other than legislation appro-*
10 *propriating funds) is required in order for a State plan*
11 *under part D of title IV of the Social Security Act*
12 *to meet the additional requirement imposed by the*
13 *amendment made by subsection (a), the plan shall not*
14 *be regarded as failing to meet such requirement before*
15 *the first day of the second calendar quarter beginning*
16 *after the close of the first regular session of the State*
17 *legislature that begins after the effective date of such*
18 *amendment. If the State has a 2-year legislative ses-*
19 *sion, each year of the session is deemed to be a sepa-*
20 *rate regular session of the State legislature.*

PART II—ADDITIONAL OFFSETS

**SEC. 261. IMPROVEMENTS TO CONTRACTS WITH MEDICARE
QUALITY IMPROVEMENT ORGANIZATIONS
(QIOS) IN ORDER TO IMPROVE THE QUALITY
OF CARE FURNISHED TO MEDICARE BENE-
FICIARIES.**

*(a) AUTHORITY TO CONTRACT WITH A BROAD RANGE
OF ENTITIES.—*

*(1) DEFINITION.—Section 1152 of the Social Se-
curity Act (42 U.S.C. 1320c–1) is amended by strik-
ing paragraphs (1) and (2) and inserting the fol-
lowing new paragraphs:*

*“(1) is able, as determined by the Secretary, to
perform its functions under this part in a manner
consistent with the efficient and effective administra-
tion of this part and title XVIII;*

*“(2) has at least one individual who is a rep-
resentative of health care providers on its governing
body; and”.*

*(2) NAME CHANGE.—Part B of title XI of the
Social Security Act (42 U.S.C. 1320c et seq.) is
amended—*

*(A) in the headings for sections 1152 and
1153, by striking “UTILIZATION AND QUALITY
CONTROL PEER REVIEW” and inserting “QUALITY
IMPROVEMENT”;*

(B) in the heading for section 1154, by striking “PEER REVIEW” and inserting “QUALITY IMPROVEMENT”; and

(C) by striking “utilization and quality control peer review” and “peer review” each place it appears before “organization” or “organizations” and inserting “quality improvement”.

(3) CONFORMING AMENDMENTS TO THE MEDICARE PROGRAM.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended—

(A) by striking “utilization and quality control peer review” and inserting “quality improvement” each place it appears;

(B) by striking “quality control and peer review” and inserting “quality improvement” each place it appears;

(C) in paragraphs (1)(A)(iii)(I) and (2) of section 1842(l), by striking “peer review organization” and inserting “quality improvement organization”;

(D) in subparagraphs (A) and (B) of section 1866(a)(3), by striking “peer review” and inserting “quality improvement”;

1 (E) in section 1867(d)(3), in the heading,
 2 by striking “PEER REVIEW” and inserting
 3 “QUALITY IMPROVEMENT”; and

4 (F) in section 1869(c)(3)(G), by striking
 5 “peer review organizations” and inserting “qual-
 6 ity improvement organizations”.

7 (b) IMPROVEMENTS WITH RESPECT TO THE CON-
 8 TRACT.—

9 (1) FLEXIBILITY WITH RESPECT TO THE GEO-
 10 GRAPHIC SCOPE OF CONTRACTS.—Section 1153 of the
 11 Social Security Act (42 U.S.C. 1320c-2) is amend-
 12 ed—

13 (A) by striking subsection (a) and inserting
 14 the following new subsection:

15 “(a) The Secretary shall establish throughout the
 16 United States such local, State, regional, national, or other
 17 geographic areas as the Secretary determines appropriate
 18 with respect to which contracts under this part will be
 19 made.”;

20 (B) in subsection (b)(1), as amended by
 21 subsection (a)(2)—

22 (i) in the first sentence, by striking “a
 23 contract with a quality improvement orga-
 24 nization” and inserting “contracts with one

1 *or more quality improvement organiza-*
 2 *tions”; and*

3 *(ii) in the second sentence, by striking*
 4 *“meets the requirements” and all that fol-*
 5 *lows before the period at the end and insert-*
 6 *ing “will be operating in an area, the Sec-*
 7 *retary shall ensure that there is no duplica-*
 8 *tion of the functions carried out by such or-*
 9 *ganizations within the area”;*

10 *(C) in subsection (b)(2)(B), by inserting “or*
 11 *the Secretary determines that there is a more*
 12 *qualified entity to perform one or more of the*
 13 *functions in section 1154(a)” after “under this*
 14 *part”;*

15 *(D) in subsection (b)(3)—*

16 *(i) in subparagraph (A), by striking “,*
 17 *or association of such facilities,”; and*

18 *(ii) in subparagraph (B)—*

19 *(I) by striking “or association of*
 20 *such facilities”; and*

21 *(II) by striking “or associations”;*

22 *and*

23 *(E) by striking subsection (i).*

1 (2) *EXTENSION OF LENGTH OF CONTRACTS.*—

2 *Section 1153(c)(3) of the Social Security Act (42*

3 *U.S.C. 1320c-2(c)(3)) is amended—*

4 *(A) by striking “three years” and inserting*

5 *“five years”; and*

6 *(B) by striking “on a triennial basis” and*

7 *inserting “for terms of five years”.*

8 (3) *AUTHORITY TO TERMINATE IN A MANNER*

9 *CONSISTENT WITH THE FEDERAL ACQUISITION REGU-*

10 *LATION.—Section 1153 of the Social Security Act (42*

11 *U.S.C. 1320c-2) is amended—*

12 *(A) in subsection (b), by adding at the end*

13 *the following new paragraph:*

14 *“(4) The Secretary may consider a variety of factors*

15 *in selecting the contractors that the Secretary determines*

16 *would provide for the most efficient and effective adminis-*

17 *tration of this part, such as geographic location, size, and*

18 *prior experience in health care quality improvement. Qual-*

19 *ity improvement organizations operating as of January 1,*

20 *2012, shall be allowed to compete for new contracts (as de-*

21 *termined appropriate by the Secretary) along with other*

22 *qualified organizations and are eligible for renewal of con-*

23 *tracts for terms five years thereafter (as determined appro-*

24 *priate by the Secretary).”;*

1 (B) in subsection (c), by striking para-
 2 graphs (4) through (6) and redesignating para-
 3 graphs (7) and (8) as paragraphs (4) and (5),
 4 respectively; and

5 (C) by striking subsection (d).

6 (4) *ADMINISTRATIVE IMPROVEMENT.*—Section
 7 1153(c)(5) of the Social Security Act (42 U.S.C.
 8 1320c–2(c)(5)), as redesignated by this subsection, is
 9 amended to read as follows:

10 “(5) reimbursement shall be made to the organi-
 11 zation on a monthly basis, with payments for any
 12 month being made consistent with the Federal Acqui-
 13 sition Regulation.”.

14 (c) *AUTHORITY FOR QUALITY IMPROVEMENT ORGANI-*
 15 *ZATIONS TO PERFORM SPECIALIZED FUNCTIONS AND TO*
 16 *ELIMINATE CONFLICTS OF INTEREST.*—Part B of title XI
 17 of the Social Security Act (42 U.S.C. 1320c et seq.) is
 18 amended—

19 (1) in section 1153—

20 (A) in subsection (b)(1), as amended by sub-
 21 section (b)(1)(B), by inserting after the first sen-
 22 tence the following new sentence: “In entering
 23 into contracts with such qualified organizations,
 24 the Secretary shall, to the extent appropriate,
 25 seek to ensure that each of the functions described

in section 1154(a) are carried out within an area established under subsection (a).”; and

(B) in subsection (c)(1), by striking “the functions set forth in section 1154(a), or may subcontract for the performance of all or some of such functions” and inserting “a function or functions under section 1154 directly or may subcontract for the performance of all or some of such function or functions”; and

(2) in section 1154—

(A) in subsection (a)—

(i) in the matter preceding paragraph

(1)—

(I) by striking “Any” and inserting “Subject to subsection (b), any”;
and

(II) by inserting “one or more of”
before “the following functions”;

(ii) in paragraph (4), by striking subparagraph (C);

(iii) by inserting after paragraph (11)
the following new paragraph:

“(12) As part of the organization’s review responsibility under paragraph (1), the organization shall review all ambulatory surgical procedures speci-

1 *fied pursuant to section 1833(i)(1)(A) which are per-*
 2 *formed in the area, or, at the discretion of the Sec-*
 3 *retary, a sample of such procedures.”; and*

4 *(iv) in paragraph (15), by striking*
 5 *“significant on-site review activities” and*
 6 *all that follows before the period at the end*
 7 *and inserting “on-site review activities as*
 8 *the Secretary determines appropriate”.*

9 *(B) by striking subsection (d) and redesign-*
 10 *ating subsections (b) and (c) as subsections (c)*
 11 *and (d), respectively; and*

12 *(C) by inserting after subsection (a) the fol-*
 13 *lowing new subsection:*

14 *“(b) A quality improvement organization entering*
 15 *into a contract with the Secretary to perform a function*
 16 *described in a paragraph under subsection (a) must per-*
 17 *form all of the activities described in such paragraph, ex-*
 18 *cept to the extent otherwise negotiated with the Secretary*
 19 *pursuant to the contract or except for a function for which*
 20 *the Secretary determines it is not appropriate for the orga-*
 21 *nization to perform, such as a function that could cause*
 22 *a conflict of interest with another function.”.*

23 *(d) QUALITY IMPROVEMENT AS SPECIFIED FUNC-*
 24 *TION.—Section 1154(a) of the Social Security Act (42*

1 *U.S.C. 1320c–3(a)) is amended by adding at the end the*
 2 *following new paragraph:*

3 “(18) *The organization shall perform, subject to*
 4 *the terms of the contract, such other activities as the*
 5 *Secretary determines may be necessary for the pur-*
 6 *poses of improving the quality of care furnished to in-*
 7 *dividuals with respect to items and services for which*
 8 *payment may be made under title XVIII.”.*

9 *(e) EFFECTIVE DATE.—The amendments made by this*
 10 *section shall apply to contracts entered into or renewed on*
 11 *or after January 1, 2012.*

12 **SEC. 262. RATES FOR MERCHANDISE PROCESSING FEES.**

13 *(a) FEES FOR PERIOD FROM JULY 1, 2014, TO NO-*
 14 *EMBER 30, 2015.—For the period beginning on July 1,*
 15 *2014, and ending on November 30, 2015, section*
 16 *13031(a)(9) of the Consolidated Omnibus Budget Reconcili-*
 17 *ation Act of 1985 (19 U.S.C. 58c(a)(9)) shall be applied*
 18 *and administered—*

19 *(1) in subparagraph (A), by substituting*
 20 *“0.3464” for “0.21”; and*

21 *(2) in subparagraph (B)(i), by substituting*
 22 *“0.3464” for “0.21”.*

23 *(b) FEES FOR PERIOD FROM OCTOBER 1, 2016, TO*
 24 *SEPTEMBER 30, 2019.—For the period beginning on Octo-*
 25 *ber 1, 2016, and ending on September 30, 2019, section*

1 13031(a)(9) of the Consolidated Omnibus Budget Reconcili-
 2 ation Act of 1985 (19 U.S.C. 58c(a)(9)) shall be applied
 3 and administered—

4 (1) in subparagraph (A), by substituting
 5 “0.1740” for “0.21”; and

6 (2) in subparagraph (B)(i), by substituting
 7 “0.1740” for “0.21”.

8 **SEC. 263. TIME FOR REMITTING CERTAIN MERCHANDISE**
 9 **PROCESSING FEES.**

10 (a) *IN GENERAL.*—Notwithstanding any other provi-
 11 sion of law, any fees authorized under paragraphs (9) and
 12 (10) of section 13031(a) of the Consolidated Omnibus Budg-
 13 et Reconciliation Act of 1985 (19 U.S.C. 58c(a) (9) and
 14 (10)) with respect to processing merchandise entered on or
 15 after October 1, 2012, and before November 12, 2012, shall
 16 be paid not later than September 25, 2012, in an amount
 17 equivalent to the amount of such fees paid by the person
 18 responsible for such fees with respect to merchandise entered
 19 on or after October 1, 2011, and before November 12, 2011,
 20 as determined by the Secretary of the Treasury.

21 (b) *RECONCILIATION OF MERCHANDISE PROCESSING*
 22 *FEES.*—

23 (1) *IN GENERAL.*—Not later than December 12,
 24 2012, the Secretary of the Treasury shall reconcile the
 25 fees paid pursuant to subsection (a) with the fees for

1 *services actually provided on or after October 1, 2012,*
2 *and before November 12, 2012.*

3 (2) *REFUNDS OF OVERPAYMENTS.—*

4 (A) *After making the reconciliation required*
5 *under paragraph (1), the Secretary of the Treas-*
6 *ury shall refund with interest any overpayment*
7 *of such fees made under subsection (a) and make*
8 *proper adjustments with respect to any under-*
9 *payment of such fees.*

10 (B) *No interest may be assessed with respect*
11 *to any such underpayment that was based on the*
12 *amount of fees paid for merchandise entered on*
13 *or after October 1, 2012, and before November*
14 *12, 2012.*

Attest:

Secretary.

112TH CONGRESS
1ST SESSION

H.R. 2832

AMENDMENT